

**ATTENTION: YOUR RIGHTS MAY BE AFFECTED BY A PROPOSED SETTLEMENT
IN THE *SAVINO* CLASS ACTION**

**PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 23(e) YOU ARE NOTIFIED
AS FOLLOWS:**

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

MARIA ALEJANDRA CELIMEN SAVINO,

JULIO CESAR MEDEIROS NEVES, and all
those similarly situated,

Petitioners-Plaintiffs,

v.

STEVEN J. SOUZA,

Respondent-Defendant.

Case No. 1:20-cv-10617 WGY

**Notice of Proposed Class Action Settlement
Savino Et Al V. Hodgson Et Al., U.S.D.C. Mass., No. 1:20cv10617**

You have been identified as a class member who benefits from a proposed settlement of the case *Savino v. Hodgson*, a class action brought on behalf of yourself and other individuals who are or were civil immigration detainees held at the Bristol County House of Corrections and C. Carlos Carreiro Immigration Detention Center in North Dartmouth, Massachusetts. A full copy of the proposed settlement can be found at www.lawyersforcivilrights.org. The most important parts of the proposed settlement contain several terms, including the following:

- Immigration and Customs Enforcement (“ICE”) will ensure that certain class members

who are currently released on bail by Order of Judge Young remain released following entry of this Agreement and that their conditions of release are altered such that they are not subject to any curfew or home confinement restrictions or any GPS or other form of electronic monitoring. ICE will ensure these class members will not be arrested or re-detained but for “Good Cause,” which is limited to a material violation of the terms and conditions of a class member’s order of recognizance or supervision. This protection will remain in place for one year from the date of execution of the signed Settlement Agreement. ICE may re-detain class members to effectuate a final order of removal, but only after good faith consideration of that individual person’s circumstances and only after ICE has determined whether the option of self-removal and/or prior notice (as opposed to re-arrest) is appropriate for that individual. The individuals obtaining this relief are:

- Al Amiri, Salim
- Almanzar, Juan
- Candelario-Echegoyen, Hugo
- Carangui, Carlos
- Castillo-Malpica, Gabriel
- Corleto, Kevin
- Cruz Soares, Geraldo
- De Jesus Concepcion, Angela
- Ferreira, Pamilar
- Figueira Morales, Julio
- Hussein, Hussien
- James, Andrea
- Jaramillo-Perez, Esteban
- Jaramillo-Quiroz, Hector
- Joseph, Desmond
- Kita Tshimanga, Antoni
- Mahadeo, Kavon
- Maney Lal, Neved Bai
- Maria De Oliveira, Robson
- Medeiros Neves Junio, Julio
- Miranda-Castillo, Luis
- Montes-Santos, Pascual

- Nikiforidis, Georgios
- Peguero-Vasquez, Victor
- Ramirez-Maldonado, Ranferi
- Rojas-Ceballos, Juan
- Sanchez Lopez, Victor
- Smith, Donovan
- Thomas, Joko
- Thomas, Akeim
- Urbina Rivas, Henry
- Velasquez-Hernandez, Oscar

• ICE will release certain class members from detention pursuant to the Settlement Agreement. Those class members shall quarantine for a period of fourteen (14) days and thereafter shall not be subject to any curfew or home confinement restrictions as part of the conditions of their release. Those class members may be subject to electronic monitoring at the discretion of Immigration and Customs Enforcement (“ICE”). ICE will ensure these class members will not be arrested or re-detained but for “Good Cause,” which is limited to a material violation of the terms and conditions of a class member’s order of recognizance or supervision. This protection will remain in place for one year from the date of execution of the signed Settlement Agreement. ICE may re-detain class members to effectuate a final order of removal, but only after good faith consideration of that individual person’s circumstances and only after ICE has determined whether the option of self-removal and/or prior notice (as opposed to re-arrest) is appropriate for that individual. The individuals obtaining this relief are:

- Augustin, Smith
- Kayitare, Fred
- Wafula, Lloyd
- Ixcuna-Lucas, Miguel
- Guallan-Tixi, Diego
- Gomes, Marcio

• ICE will present to certain class members the option to transfer out of the Bristol

County House of Correction to another facility within the Boston Area of Responsibility. After ICE provides Plaintiff's counsel with alternative locations of detention, individuals will have **five (5) days** from the date Plaintiffs' counsel discusses that option with the class member by phone to decide whether to exercise their option to transfer, or to remain at BCHOC. Class members who choose to exercise this transfer option shall inform Plaintiffs' counsel, who will relay the information to ICE and BCHOC. The individuals obtaining this relief are:

- Fernandes, Joao Lima
- Da Graca, Aires
- Lewis, Conroy
- Amado, Joao
- De Carvalho, Janito
- Mullings, Terrano
- Ali, Liban

- ICE agrees that individual class members Joao Fernandes and Janito De Carvalho will be provided specific relief as follows: ICE will agree to join in a motion to reopen at the Board of Immigration Appeals. ICE will agree to send a letter to the Salem Probate Court in regard to Mr. De Carvalho's motion to reopen his family law matter within two weeks of Final Approval and to make Mr. De Carvalho available for family court proceedings provided ICE or BCHOC is given notice thereof.
- Upon Final Approval of the Settlement, Plaintiffs will agree to dismiss with prejudice the following pending appeal: Case No. 20-1626.
- Plaintiffs will release and forever discharge Defendant and ICE from the habeas and Rehabilitation Act claims alleged in the Complaint in this case. However, no class member named in the settlement agreement will waive, dismiss, or release any claim arising out of their detention, including without limitation claims under the Massachusetts

Tort Claims Act, the Federal Tort Claims Act, *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and 42 U.S.C. § 1983. Class members will also retain their right to file individual habeas claims seeking release from detention on any grounds that are not expressly raised in the Complaint.

Before the settlement can become final, it must be approved by the Court. The U.S. District Court will review the proposed settlement and any objections from class members at a hearing (“Fairness Hearing”) on May 3, 2021 at 11:00 AM. Once the U.S. District Court approves the settlement at the Fairness Hearing, the claims alleged in the Complaint will be dismissed, and you will be bound by the terms of the Settlement Agreement, as ordered by the Court. If you would like more information about the proposed settlement, please contact Plaintiffs’ attorneys, care of:

Oren Sellstrom
Lawyers for Civil Rights
61 Batterymarch Street, 5th Floor
Boston, MA 02110

If you want to object to the proposed settlement, you must send your objection in writing, by no later than April 21, 2021. Any objection must include: (a) a written statement identifying the class member’s name, address, telephone number, and signature, and, if represented by counsel, the name, address, and telephone number of counsel; (b) a written statement explaining the class member’s objection and the reasons for such objection; (c) any documentation in support of such objection; and (d) whether you intend to appear at the Fairness Hearing. Any objection shall not exceed twenty-five (25) pages in length.

Any objection must be filed with the Clerk of the United States District Court for the District of Massachusetts and additionally sent by first class mail to the following addresses and postmarked no later than **April 21, 2021**:

Thomas Kanwit
United States Attorney's Office
District of Massachusetts
One Courthouse Way, Suite 9200
Boston, MA 02210
Counsel for Defendant

Oren Sellstrom
Lawyers for Civil Rights
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Boston, MA 02110
Counsel for Plaintiffs

Sameer Ahmed
Harvard Immigration and Refugee Clinical Program
6 Everett Street
Cambridge, MA 02138
Appellate Counsel for Class Members With Appellate Proceedings

Dated: April 8, 2021

/s/ William G. Young
Hon. William G. Young
United States District Court Judge